

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

JOSEPH JEROME WILBUR, a Washington  
resident; JEREMIAH RAY MOON, a  
Washington resident; and ANGELA MARIE  
MONTAGUE, a Washington resident,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

CITY OF MOUNT VERNON, a Washington  
municipal corporation; and CITY OF  
BURLINGTON, a Washington municipal  
corporation,

Defendants.

NO. 2:11-cv-01100 RSL

**ORDER GRANTING PLAINTIFFS'  
MOTION TO ALLOW TWO  
INCARCERATED WITNESSES TO  
TESTIFY VIA TELEPHONIC  
TRANSMISSION**

THIS MATTER came before the undersigned on Plaintiffs' Motion to Allow Two Incarcerated Witnesses to Testify Via Telephonic Transmission. Prior to ruling, the Court considered the following documents and evidence:

1. Plaintiffs' Motion to Allow Two Incarcerated Witnesses to Testify Via Telephonic Transmission;
2. Declaration of Toby J. Marshall in Support of Plaintiffs' Motion to Allow Two

1 Incarcerated Witnesses to Testify Via Telephonic Transmission, and exhibits attached thereto;

2 3. Declaration of Shari Hall;

3 4. Declaration of Kathleen Glennon;

4 5. Defendant's Response to Plaintiffs' Motion to Allow Two Incarcerated  
5 Witnesses to Testify Via Telephonic Transmission;

6 6. Defendants' Opposition to Motion for Telephonic Testimony;

7 7. Declaration of Adam L. Rosenberg in Support of Response to Motion for  
8 Telephonic Testimony, and exhibits attached thereto

9 8. Supplemental Declaration Exhibits of Adam L. Rosenberg in Support of  
10 Response to Motion for Telephonic Testimony, and exhibits attached thereto; and

11 9. Notice of Filing Paper or Physical Materials with the Clerk.

12 Based on its review of these materials, the Court finds good cause in compelling  
13 circumstances to allow Steve Osborn and Jacob Norman to provide testimony in open court by  
14 contemporaneous telephonic transmission from prison. The Court also finds that appropriate  
15 safeguards exist to ensure accurate identification of the witnesses, accurate transmission of  
16 their testimony, and avoidance of undue influence by other persons. Accordingly,

17 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion to  
18 Allow Two Incarcerated Witnesses to Testify Via Telephonic Transmission is GRANTED.


19 IT IS HEREBY ORDERED that Steve Osborn and Jacob Norman may testify in open  
20 court by contemporaneous telephonic transmission from prison.

21 IT IS FURTHER ORDERED that any exhibits to be presented to Washington  
22 Corrections Center inmate Jacob Norman (DOC No. 366077) shall be sent via electronic mail  
23 to Mr. Norman's counselor, Kathleen Glennon (krglennon@DOC1.WA.GOV), in advance of  
24 his testimony and shall not be delivered to Mr. Norman until the start of his testimony on  
25 Tuesday, June 4, 2013 at 9:00 a.m.

1 IT IS FURTHER ORDERED that any exhibits to be presented to Washington State  
2 Penitentiary inmate Steven Osborn (DOC No. 911502) shall be mailed or hand-delivered  
3 directly to the attention of Mr. Osborn's counselor, Jonathan Fischer, or other official specified  
4 by the prison, and shall not be delivered to Mr. Osborn until the start of his testimony on  
5 Wednesday, June 5, 2013 at 9:00 a.m. The address of the Washington State Penitentiary is  
6 1313 N. 13th Avenue, Walla Walla, Washington 99362.

7 IT IS HEREBY ORDERED.

8  
9 Dated this 3rd day of June, 2013.

10 

11 Robert S. Lasnik

12 United States District Judge

13 Presented by:

14  
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